

# EXHIBIT 62

1 UNITED STATES DISTRICT COURT  
2 MIDDLE DISTRICT OF TENNESSEE  
3

4 NIKKI BOLLINGER GRAE, Individually  
and on Behalf of All Others  
5 Similarly Situated,  
6 Plaintiff, Civil Action No.  
7 vs. 3:16-cv-02267  
8 CORRECTIONS CORPORATION OF  
AMERICA, ET AL.,  
9  
10 Defendants.

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11  
12 CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER  
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14 VIDEOTAPED DEPOSITION OF KIM WHITE  
15

16 Conducted virtually via remote videoconference  
17 October 30, 2020  
18  
19  
20  
21  
22

23 Reported by:  
Misty Klapper, RMR, CRR  
24 Job No.: 10073533  
25

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2 MIDDLE DISTRICT OF TENNESSEE  
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17 Videotaped deposition of KIM WHITE, taken on behalf of  
18 Plaintiff, via Zoom remote videoconference, beginning at  
19 9:04 a.m. CST on Friday, October 30, 2020, before Misty  
20 Klapper, RMR, CRR.  
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## 1 APPEARANCES:

2 (ALL APPEARANCES VIA ZOOM REMOTE VIDEOCONFERENCE)

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17  
18  
19 ALSO PRESENT: DAVID CAMPBELL, VIDEO OPERATOR

1 With that, will the court reporter  
2 please swear in the witness and we can  
3 proceed.

4 MS. REPORTER: One moment.

5 Whereupon:

6 KIM WHITE,  
7 was called for examination, and, after being duly  
8 sworn, was examined and testified as follows:

9 MS. REPORTER: Thank you very much.

10 You may proceed.

11 EXAMINATION BY COUNSEL FOR PLAINTIFF

12 BY MR. WOOD:

13 Q. Good morning, Ms. White.

14 A. Good morning.

15 Q. When -- at -- at your last deposition  
16 you testified that you were still working for  
17 CoreCivic.

18 Is that still the case today?

19 A. Yes, it is.

20 Q. And I believe you previously  
21 testified that you were doing project-based work.

22 Is that -- is that accurate?

23 A. That is still accurate, yes.

24 Q. And what types of projects have you  
25 done for CoreCivic this year?

1 documents did you look at?

2 A. So back in the early 2000s, there was  
3 a congressman, whose name escapes me right now,  
4 who asked for there to be a review of private  
5 prisons versus federal prisons.

6 And the question was whether or not  
7 operating prisons was inherently governmental.  
8 The order was abbreviated to A-76. That order  
9 pretty much asked the Bureau of Prisons -- and I  
10 believe it was done -- it might have been done by  
11 the Office of Inspector General, but ultimately  
12 it reviewed whether or not those services should  
13 be outsourced or whether or not they should be  
14 kept within the Federal Government if they were  
15 deemed inherently governmental.

16 So that report was very  
17 comprehensive. It did a side-by-side comparison.  
18 And then it also looked at at what level should  
19 private prisons, at least for the Federal  
20 Government, take on those responsibilities, what  
21 level of inmate, if you will.

22 So that was one memorable document  
23 that we looked at.

24 The CFMs were the primary documents  
25 and those were the ones that were quality

1 assurance reviews by our own staff out of the  
2 program review division.

3 Q. Any other congressionally mandated  
4 documents that you relied on?

5 A. That was the -- probably the most  
6 memorable during my tenure, but I do know that  
7 there was -- there might have been one other that  
8 just escapes me right now, but that was a huge  
9 evaluation, the one that I mentioned that took  
10 quite a few years to accomplish. So that's the  
11 one that's the most memorable for me.

12 Q. Right. And I'm just trying to  
13 understand if there's any others that you can  
14 recall that you relied on.

15 A. As I mentioned, I don't have it in my  
16 memory banks today, but I do remember there being  
17 at least one other. I just can't remember the  
18 time frame or the purpose of that particular  
19 review.

20 Q. You said you'd look at any report  
21 that came out that was unfavorable to the  
22 facility when it came to performance.

23 And what are you referring to there?

24 A. So I'm referring to primarily those  
25 reports that came out of our program review

1 division that were the -- the contract facility

2 management documents or the CFM.

3 So if there were any significant  
4 deficiencies, if there was ever any kind of  
5 disturbance at those facilities where there was  
6 an after-action review, if there was anything  
7 that was considered corrective action oriented  
8 during routine reviews by those facilities, all  
9 of those kinds of documents and discussions would  
10 happen within the executive team.

11 Q. You weren't responsible for hiring  
12 employees at private prisons while you were at  
13 the BOP, right?

14 A. No, I was not.

15 Q. And you weren't responsible for --  
16 you had no responsibility regarding medical care  
17 at private prisons while you were at the BOP,  
18 right?

19 A. No, I was not.

20 Q. You had no responsibility for issuing  
21 notices of concern to private prisons while you  
22 were at the BOP, right?

23 A. No, that was not within my purview.

24 Q. And you had no responsibility for  
25 deciding whether to issue a cure notice to a

1 private prison while you were at the BOP?

2 A. No, I did not.

3 Q. You were not responsible for deciding  
4 whether to renew a contract with a private  
5 prison, right?

6 A. No, that was not my responsibility.

7 Q. And you weren't responsible for  
8 deciding whether to rebid a contract either,  
9 right?

10 A. Not directly, but if that was a point  
11 of discussion before the executive team, as a  
12 member of that team I would be involved in those  
13 discussions.

14 Q. But you weren't responsible for the  
15 decision, right?

16 A. I was not directly responsible for  
17 the decision, no.

18 Q. And you weren't responsible for  
19 deciding whether to terminate the contract with a  
20 private prison?

21 A. Again, I might be a -- a part of a  
22 conversation about it, but ultimately I was not  
23 responsible for that final decision.

24 Q. Once you left the BOP and joined CCA,  
25 what information did you have at that point about

1 know what exhibit number I'm supposed to mark  
2 this as. Let's see --

3 MS. REPORTER: 591.

4 MR. WOOD: Thank you.

5 All right. We're going to mark this  
6 as 591.

7 (Thereupon, White Exhibit  
8 Number 591 was marked for  
9 identification.)

10 BY MR. WOOD:

11 Q. And Ms. White, have you seen this  
12 document before?

13 A. Yes, I saw this yesterday.

14 Q. Okay. Do you recall if you had seen  
15 it before yesterday?

16 A. I don't believe so, no.

17 Q. Okay. You see on page 7 there's a  
18 section entitled Kim White.

19 A. Yes, I see that.

20 Q. Okay. And on -- and it goes onto  
21 page 8, right?

22 A. Yes, it does.

23 Q. Okay. So under Summary of Facts and  
24 Opinions on page 8, the -- the first line reads,  
25 Ms. White may testify that CoreCivic's

1 operational performance was similar to and  
2 compared favorably with the BOP's operational  
3 performance in the areas of correctional facility  
4 management, oversight, staffing, security and  
5 related policies and procedures.

6 Do you see that?

7 A. I do.

8 Q. Now, do you have an opinion as to  
9 whether or not CoreCivic's operational  
10 performance was similar to and compared favorably  
11 with the BOP's operational performance in the  
12 areas of correctional facility management,  
13 oversight, staffing, security and related  
14 policies and procedures?

15 A. I believe I do.

16 Q. And what is your opinion?

17 A. My opinion is CoreCivic and the  
18 Bureau of Prisons, as well as other partners that  
19 we worked with, have similar -- similar  
20 attributes, similar challenges, similar outcomes  
21 when it relates to oversight, staffing, security  
22 and all of the related policies and procedures  
23 that are listed here sort of generally.

24 Q. What about when it comes to specific  
25 facilities?

1           A.    I would say that's across the board,  
2           not specific to just the BOP, but to the U.S.  
3           Marshals, to immigration facilities, to all of  
4           the state partners we have. And even as we  
5           developed beyond 2016 when we branched into  
6           halfway houses, I believe that within the  
7           industry we function very similarly.

8           Q.    But you're not making a comparison as  
9           to a specific facility in terms of saying all  
10          facilities run by CoreCivic are all similar in  
11          these areas to all BOP facilities?

12          A.    Oh, I can say generally overall that  
13          statement is absolutely true based on my  
14          experience and expertise.

15          Q.    That all facilities run by CoreCivic  
16          are all similar to all facilities run by the BOP?

17          A.    Overall I absolutely agree with that  
18          statement.

19          Q.    So the security, for example, at a  
20          low security facility run by CoreCivic is going  
21          to be the same as security at a high security  
22          facility run by the BOP?

23          A.    No. I believe that a low security  
24          facility run by CoreCivic would be the same as a  
25          low security facility operated by the BOP.

1 Yates memo came out and Sally Yates announced  
2 that the BOP would be reducing and eliminating  
3 its use of private prisons, right?

4 A. I do remember that day in August of  
5 2016, yes.

6 Q. And did your expectations about  
7 whether or not CoreCivic's BOP facilities would  
8 be renewed change after the Yates memo came out?

9 A. Based on what the acting Attorney  
10 General said, yes, it did.

11 Q. And -- and -- and how did it change?

12 A. It changed based on her decision that  
13 both the Bureau of Prisons and U.S. Marshals  
14 would stop relying on the private prison  
15 business, not just CoreCivic, but across the  
16 industry, for that service to be provided to the  
17 government.

18 Q. So after the Yates memo came out, you  
19 no longer expected CoreCivic's BOP contracts to  
20 be renewed; is that fair?

21 A. I think we all expected that the  
22 reliance of the Bureau of Prisons on contract  
23 facilities for any of the Department of Justice's  
24 needs would curtail over time.

25 Q. And so you -- you -- you didn't

1 expect that CoreCivic's BOP contracts would be  
2 renewed, right?

3 A. I expected at some point that the --  
4 if the Yates memo was what it said it was, that  
5 contracts would not be renewed when their term  
6 expired.

7 Q. And did you have any reason to  
8 believe that the Yates memo wasn't what it said  
9 it was?

10 A. Well, to be honest, in proximity to  
11 the election that was coming up, we wondered,  
12 depending on who went into the White House,  
13 whether or not the Yates memo would apply if it  
14 was not Hillary Clinton as the president.

15 So we weren't certain. We knew,  
16 though, if the one candidate won, it would likely  
17 come to fruition. If the other candidate won, as  
18 is historically the case, it would likely be  
19 overturned.

20 Q. So you believed that if Hillary  
21 Clinton won, then the Yates memo directive would  
22 continue and if Trump won, that it would be  
23 overturned?

24 A. That was based on my personal  
25 opinion, history in government, positions where

1 political influence changed policies very  
2 quickly, yes, that's -- that is what my  
3 estimation was at the time.

4 Q. And Trump won the election, right, in  
5 2016? I think we can --

6 A. He did.

7 Q. -- all agree on that.

8 A. Yes.

9 Q. The Yates memo was, at least in part,  
10 rescinded by Jeff Sessions, right?

11 A. I believe that Yates memo was  
12 rescinded in totality.

13 Q. Okay. It -- it was rescinded in  
14 February 2017, right?

15 A. I don't remember the exact day, but  
16 it was shortly after inauguration.

17 Q. Okay. And CCA or, I guess,  
18 CoreCivic, right, at this time, still lost the  
19 Eden contract in April 2017, right?

20 A. I'm not sure of the date, but if  
21 that's what the record reflects, then I would  
22 agree, yes, that did occur.

23 Q. You -- so if we just leave the date  
24 aside, you agree that after the Sessions memo  
25 rescinded the Yates memo, CCA still lost its Eden

1 contract, right?

2 A. I believe that that contract was not  
3 renewed at that point and it followed the  
4 Sessions memo.

5 Q. And same with the Adams facility,  
6 right? The Adams facility, CCA also lost that  
7 contract after the Sessions memo was issued,  
8 right?

9 A. Yeah, I believe the chronology  
10 reflects that.

11 Q. Okay. So even though the Yates memo  
12 was purportedly overturned by Jeff Sessions, CCA  
13 still lost the vast majority of its BOP  
14 correctional facility business, right?

15 A. The two you've referenced were not  
16 renewed, that is correct, but I don't believe  
17 that it had anything to do with the original memo  
18 put out by Sally Yates.

19 Q. And what did it have to do with?

20 A. Well, in Adams it was clear that what  
21 the Bureau of Prisons wanted to do with that --  
22 the infrastructure of the facility was not cost  
23 effective for us. We had a much bigger compound  
24 number of inmates that could be housed there --  
25 or detainees, I'm sorry, that could be housed

1 make sense.

2 So we proposed a cost. The Bureau  
3 rejected it because it was higher than what they  
4 desired. And that's why that contract was not  
5 renewed.

6 Q. And what about the Eden contract?

7 A. I believe it was for the same  
8 purposes, if I'm not mistaken. I -- that one's a  
9 little bit more fuzzy because that was further  
10 ago and I'm even further away from that decision  
11 now. So --

12 Q. But you believed it was the same  
13 dynamic, that the price that CoreCivic gave to  
14 the BOP was higher than the BOP wanted to pay?

15 A. I believe that it was primarily  
16 pricing. I do know that Eden struggled with a --  
17 a couple of areas that were important, not  
18 insurmountable, but I do believe that it was  
19 primarily cost.

20 Q. In what areas were they struggling?

21 A. The two areas that I recall them  
22 struggling with and we had been successful in  
23 coming back from, one was staffing of  
24 correctional officers. We continued to struggle  
25 with that in that area. And also in medical

1 services, just trying to get the number of nurses  
2 we needed in that facility was difficult.

3 But before that contract was not  
4 renewed, we had made tremendous strides and had  
5 actually staffed up to the BOP contract staffing  
6 guidelines in that area.

7 Q. Is it your understanding that the  
8 staffing correctional officers and medical  
9 services personnel was a factor in the BOP's  
10 decision not to renew the Adams contract -- I  
11 mean, the Eden contract?

12 A. I believe it might have influenced,  
13 but I can't remember if it was a factor noted for  
14 their -- for the decision not to renew. My  
15 memory just is fuzzy about that specific  
16 location.

17 Q. Before the -- okay. So before the  
18 Eden contract was not renewed -- and I -- I -- I  
19 have that as April 2017 --

20 A. Okay.

21 Q. -- did -- so prior to April 2017,  
22 in -- in the months prior to that, did you have  
23 an expectation one way or another as to whether  
24 the Eden contract would be renewed?

25 A. I had an expectation that the BOP

1 contract at both Adams and Eden would be renewed.

2 Q. In spite of the Yates memo?

3 A. The Yates memo was null and void at  
4 that point, so I absolutely expected both of  
5 those contracts to be renewed.

6 Q. And -- and you expected that even in  
7 spite of the pricing numbers that CoreCivic was  
8 giving to the BOP?

9 A. Before the decision was rendered, I  
10 think we did our best job to offer the services  
11 we thought would meet the expectations of the  
12 Bureau of Prisons at a price that we could live  
13 with. So, yes, I did expect that contract to be  
14 renewed.

15 Q. Okay. And so with respect to Eden,  
16 what -- what -- what was your basis for believing  
17 that that contract would be renewed going into  
18 April 2017?

19 A. I believe our overall past  
20 performance was a reason. I believe that the  
21 history of Eden on prior renewals was a factor.  
22 I believe that all of the efforts that would be  
23 put forth in getting the staffing levels where  
24 they needed to be was a factor.

25 And I also believe, quite honestly,

1       that the difficulty and extra work that is  
2       created by having to relocate offenders is  
3       something that the Bureau of Prisons tries to  
4       avoid whenever possible.

5               So those are just some of the factors  
6       I took into consideration when I expected that  
7       contract to be approved again or renewed. I'm  
8       sorry.

9               Q.    So -- and then if we fast-forward,  
10       Adams -- CCA lost that contract in May 2019,  
11       right? And by that --

12       A.    Oh, okay.

13       Q.    -- when -- by that point, CoreCivic  
14       had lost the Eden contract, they'd lost the  
15       Cibola contract, they'd lost the Northeast Ohio  
16       contract.

17               You still believed that Adams would  
18       be renewed going into May 2019, right?

19       A.    I did.

20       Q.    And what was your basis for that?

21       A.    As I mentioned before, our track  
22       record; the fact that it was a -- a good  
23       operating facility; the fact that it is a lift  
24       for the organization to relocate the number of  
25       inmates we had there; the fact that the Bureau of

1 Prisons still needed those beds; and the fact  
2 that they had ample growing room, if you will,  
3 for additional detainees, if necessary.

4 I thought all of those were important  
5 factors for them to consider.

6 Q. And in spite of that, BOP didn't  
7 renew the facility, right?

8 A. That is true for the reasons I  
9 previously stated.

10 Q. Because the -- because CCA wasn't  
11 able to offer low enough cost?

12 A. And the fact that we didn't want to  
13 have a reduced return on investment because they  
14 needed less of the facility to operate.

15 Q. But you didn't pull out -- CCA --  
16 CoreCivic didn't pull out of the contract, right?

17 A. I don't recall. I believe that the  
18 contract was not renewed based on pricing.

19 Q. And how -- what is the basis for your  
20 belief that the contract was not renewed based on  
21 pricing?

22 A. That's what I recall the conversation  
23 surrounding the Bureau of Prisons' decision  
24 including.

25 Q. And who did you have those

1 Q. Well, I understand that's your  
2 belief. I -- I guess I'm -- I -- I -- what I  
3 want to know is whether you know specifically how  
4 the BOP made the decision with respect to the  
5 Cibola contract.

6 A. What I'm sharing with you are aspects  
7 that I recall from my time in the Bureau of  
8 Prisons. And what I know from experiences within  
9 CCA are attributes or factors that the BOP  
10 considers when making those kinds of decisions.

11 Q. But you don't have any specific  
12 knowledge as to the decision process that the BOP  
13 made in 2016 to end the Cibola contract, right?

14 A. Not specifically, no. I'm just going  
15 by history, my experience and what the Bureau of  
16 Prisons has said in writing previously.

17 Q. And by previously, do you mean when  
18 you were working at the BOP?

19 A. Not only when I was working at the  
20 BOP, but during renewal contract periods while I  
21 was working for CoreCivic or CCA.

22 Q. And Cibola had staffing issues as  
23 well, right, that you were intimately involved in  
24 dealing with?

25 MS. TOMKOWIAK: Objection.

1 THE WITNESS: Yes, that --

2 BY MR. WOOD:

3 Q. Go ahead.

4 A. I do recall a -- a lot of toil and  
5 effort around staffing at Cibola during my  
6 tenure, yes.

7 Q. And in spite of those staffing  
8 challenges, you still expected the Cibola  
9 contract to be renewed?

10 A. Absolutely.

11 Q. CoreCivic lost the rebid of the  
12 Northeast Ohio facility in December 2014, right?

13 A. If the record reflects that, I would  
14 agree.

15 Q. And you expected that contract -- you  
16 expected CCA to win that contract as well?

17 A. I think I can say unequivocally I, as  
18 a leader of CoreCivic, expect all contracts to be  
19 renewed and certainly Northeast Ohio was one of  
20 those that I expected to be renewed.

21 Q. Have you ever seen a contract at  
22 CoreCivic that you didn't expect to be renewed?

23 A. No, I don't think so.

24 Q. Okay. All right. So what was the  
25 basis for your belief that the Northeast -- that

1 CCA would win the rebid at Northeast Ohio in  
2 2014?

3 A. Again, I believe that the history of  
4 those renewals being awarded is evidence of that.  
5 Northeast Ohio was a -- a very high operating  
6 facility. It was one that had received awards  
7 previously based on its performance. I think  
8 right before the contract wasn't renewed, it  
9 might have received one.

10 So there -- there was evidence from  
11 history, from frequency of renewals and from  
12 quality -- total quality operations that led me  
13 to draw that conclusion.

14 Q. How -- how did the BOP determine  
15 whether it was going to award CCA the Northeast  
16 Ohio rebid?

17 A. I think the BOP used the same process  
18 that it does when it's evaluating contracts and  
19 would have taken into account all of the  
20 characteristics I mentioned, including cost and  
21 total operation performance and the need of  
22 whether or not it still needed the beds.

23 Q. And is that -- do you have any  
24 specific knowledge that that's what the BOP  
25 considered with respect to the Northeast Ohio

1 contract or that's just based on your general  
2 understanding?

3 A. That's based on my understanding.  
4 That's based on conversations with those  
5 responsible for making those decisions. And  
6 that's based on report outs from those people who  
7 receive notices from the Bureau of Prisons and  
8 have conversations with the experts about what  
9 they're looking for.

10 Q. And who -- who specifically did you  
11 have conversations with who were responsible for  
12 making those decisions?

13 A. Natasha Metcalf certainly was one of  
14 those individuals. The partnership development  
15 team, which included Jeb Beasley, who had  
16 firsthand interactions with folks within the  
17 department that was responsible for renewing  
18 contracts. And also the history of what the  
19 Bureau of Prisons made clear it wanted and what  
20 it was looking for when evaluating those  
21 contracts.

22 Q. But your belief wasn't based on any  
23 conversations that you had directly with anyone  
24 at the BOP?

25 A. No. That is correct.

1 Q. If we -- just one second.

2 If we go back to Exhibit 591, the  
3 penultimate sentence on page 8 before the one we  
4 just read says, Ms. White may also testify about  
5 challenges to the BOP's operational performance  
6 in the areas of correctional facility management,  
7 oversight, staffing, security and related  
8 policies and procedures.

9 Do you see that?

10 A. I do.

11 Q. What -- what challenges did the BOP  
12 have between 2012 and 2016 with respect to  
13 staffing?

14 A. Oh, they were quite similar. And  
15 specifically in the area of medical, that was one  
16 of the longstanding challenges the Bureau of  
17 Prisons has, not only when I was in human  
18 resources, but as a regional director responsible  
19 for various facilities.

20 Nursing was difficult. Getting  
21 physicians was increasingly more challenging to  
22 the point where we utilized public health  
23 officials in order to fulfill those roles. And  
24 there was a whole department within human  
25 resources and in medical within the Bureau of

1 Prisons. And that's all we did, was medical  
2 recruiting. So that was a significant challenge.

3 As I mentioned earlier, there were  
4 locations across the Bureau of Prisons that  
5 was -- that were also struggling with staffing  
6 for mechanical services folks, for substance use  
7 staff, as well as for correctional officers.

8 And between 2014 and 2016  
9 specifically, when the labor force became even  
10 more and more challenging across the nation, it  
11 was more and more difficult for state, local and  
12 federal entities, as well as the private  
13 companies, to attract and retain those staff.  
14 There were just too many opportunities and too  
15 few people.

16 So those challenges were quite  
17 similar, both in medical staffing and  
18 correctional officer staffing. And then there  
19 were some differences from the Bureau of Prisons  
20 and us on some other areas that were a bit of a  
21 challenge, depending on the location.

22 Q. So what's the basis for your belief  
23 that the Bureau of Prisons had issues with  
24 staffing between 2014 and 2016?

25 A. First of all, I saw, for the first

1 time ever, the Bureau of Prisons used Facebook to  
2 attract people. I saw advertisements for  
3 correctional officers with incentives, quite  
4 honestly, similar to ours, signing bonuses and  
5 other bonuses to attract people through the front  
6 door.

7 I heard from a variety of different  
8 wardens and executives with the Bureau of Prisons  
9 that they were struggling with this as much as we  
10 were. And, quite interesting, at ACA there were  
11 several sessions dedicated to hiring, attracting  
12 and retaining correctional workers across the  
13 board because it was a consistent challenge in  
14 many jurisdictions, including the five or six  
15 states that I mentioned earlier.

16 So it was pervasive in the industry  
17 and obviously the Bureau of Prisons would be  
18 impacted as much as -- as we would be.

19 Q. Well, I guess not obviously, right?  
20 If the BOP is paying more than CCA, then they  
21 maybe would not be impacted as much as CCA,  
22 right?

23 A. Interestingly enough, we found that  
24 pay, while they had, perhaps, less of a problem  
25 with attracting people, they had equivalent

1       you have any reason to believe that you didn't  
2       get it in September 2016, especially in light of  
3       this E-mail.

4               MS. TOMKOWIAK: Objection.

5               THE WITNESS: I just -- I don't  
6       remember. Yeah, I don't remember.

7               BY MR. WOOD:

8               Q.    Okay. But you feel more confident  
9       that you were referring to the Adams report in  
10      light of Mr. Vanyur's comment about disagreement  
11      on vacancy rates versus the Leavenworth facility?

12              A.    I believe given what I just read,  
13      which both we and the BOP vigorously disagree  
14      with, it would not have been the Marshal's  
15      facility, because we didn't have BOP inmates at  
16      that location.

17              Q.    Okay.

18                    All right. We can put that aside.

19              A.    Okay.

20              MR. WOOD: Why don't we take a  
21      five-minute break if we can.

22              VIDEO OPERATOR: Okay. Going off  
23      the record at 11:17.

24                    (Thereupon, a brief recess was  
25      taken.)

1 VIDEO OPERATOR: We are back on the  
2 record at 11:29.

3 BY MR. WOOD:

4 Q. Ms. White, we -- if we go back to  
5 Exhibit 591, again on page 8, about midway  
6 through the Summary of Facts and Opinions  
7 paragraph there's a sentence that says, Ms. White  
8 may also testify to her favorable opinions  
9 regarding the overall quality and cost  
10 effectiveness of CoreCivic's operations in the  
11 areas of correctional facility management,  
12 oversight, staffing, security and related  
13 policies and procedures.

14 Do you see that?

15 A. I do.

16 Q. And what -- what opinions do you have  
17 related to that sentence?

18 A. Oh. My opinion would include the  
19 fact I thought that CoreCivic, or CCA at the  
20 time, provided quality services at a  
21 cost-competitive price point that would allow the  
22 Bureau of Prisons to outsource facility  
23 management, oversight, staff and security and the  
24 related policies and procedures that both  
25 entities were responsible for executing on. And

1 that was based on my experience with the BOP, as  
2 well as my experience as an executive of  
3 CoreCivic.

4 Q. And so your opinion is specifically  
5 related to the BOP and -- or -- or CCA's ability  
6 to provide services to the BOP and not other  
7 clients?

8 A. Well, this was specific to the Bureau  
9 of Prisons, but I can certainly talk about those  
10 same services being provided to all of our  
11 partners if that is your interest.

12 Q. Well, I'm just interested in  
13 understanding what your opinion is. And this  
14 sentence says that Ms. White may testify to her  
15 favorable opinion regarding the overall quality  
16 and cost effectiveness of CoreCivic's operation.

17 So I guess I'm curious if your  
18 opinion is that CoreCivic had quality cost  
19 effective operations for every client or whether  
20 your opinion is just limited to the BOP.

21 A. For the purposes of this litigation,  
22 my opinion is in being responsive to the  
23 questions being asked about the BOP. But I can  
24 expand that to every partner, regardless of  
25 whether it's state, local and the various federal

1 partners we have.

2 Q. I -- I'm just trying to understand  
3 what -- what your opinion is.

4 So is your opinion that CoreCivic  
5 offers quality and cost effective operations  
6 to -- to every one of its partners?

7 A. Absolutely.

8 Q. And -- and -- and -- and same opinion  
9 specifically with respect to the BOP?

10 A. Yes, I would agree with that  
11 statement.

12 Q. And that's based on your experience  
13 at the BOP and your experience at CoreCivic?

14 A. And also, when it comes to other  
15 partners, specifically to my experience with  
16 CoreCivic, absolutely.

17 Q. Right. Because with other partners,  
18 you hadn't worked for them, right? So you  
19 wouldn't have experience with -- haven't worked  
20 for them. You wouldn't have direct experience as  
21 an employee, for example, with the state of  
22 California, right?

23 A. That is correct. While I was with --  
24 within the Bureau of Prisons, I had very limited  
25 contact with anybody outside of the Bureau of

1 quality, are -- are you referring to specific  
2 facilities or just -- or just operational quality  
3 in totality?

4 A. I'm referring to the generalized  
5 statement for all facilities and I can certainly  
6 get specific if there are questions relative to  
7 certain locations.

8 Q. Well, would your answer change? I  
9 mean, you -- you believe that CoreCivic had very  
10 high quality and compliance with respect to  
11 correctional management in each of its BOP  
12 facilities?

13 A. In totality, I do.

14 Q. Okay. And that's in -- in spite of  
15 the notices of concern that CCA received, right?

16 A. I do. And let me give you an  
17 example.

18 At our Eden facility we had issues  
19 with meeting the contractual requirements for  
20 staffing periodically. That doesn't mean that  
21 our correctional services department did not  
22 operate at an effective level at that facility.

23 So that is one deficiency among many  
24 standards. So that one deficiency does not  
25 completely eradicate the total quality operations

1 at that location.

2 Q. And -- and your opinion is in spite  
3 of the results of the CFM reviews that CCA got  
4 from the BOP, right?

5 A. I believe that the CFMs capture some  
6 facts about operations at a facility, but not  
7 all. So that's a snapshot in time about certain  
8 aspects of the operations, but it does not  
9 reflect the total quality of the operations.

10 Q. And it's in spite of the -- the cure  
11 notice that the company received at Cibola,  
12 right?

13 A. It is in spite of the medical  
14 challenges that we faced at Cibola which  
15 ultimately led to the cure notice, yes.

16 Q. It's in spite of the -- the riot at  
17 Adams in 2012, right?

18 A. It is in spite of that tragic event  
19 that happened that day in the number of years  
20 that we operated that facility, that is correct.

21 Q. Okay. And do you have a different  
22 opinion specifically as it relates to staffing at  
23 CCA's BOP facilities? Do you believe that CCA --  
24 well, what, if any, opinion do you have about  
25 CCA's compliance with contractual requirements

1 relating to staffing at CCA's BOP facilities?

2 A. I believe that overall we met  
3 contractual compliance when it came to staffing.  
4 Periodically we would struggle in two areas, and  
5 that was primarily in medical services and with  
6 correctional officers.

7 Q. And by periodically, you're -- you're  
8 including repeat, repeat deficiencies where the  
9 BOP would note understaffing for 12 months or  
10 more at a time, right?

11 A. The instances when that occurred was  
12 not day over day, month over month, year over  
13 year. They were deficiencies noted at a point in  
14 time. And obviously, that was not something that  
15 we didn't fix over and over and over again.

16 So, no, I don't believe that the  
17 reflection of repeat deficiencies in that area  
18 when the snapshots are taken are indicative of  
19 anything other than what I've already stated.

20 Q. You agree, though, that -- that --  
21 that CoreCivic was not complying with the  
22 contractual requirements with respect to staffing  
23 at its BOP facilities between 2012 and 2016,  
24 right?

25 A. I agree that there were instances

1 where we did not meet the contractual staffing  
2 requirements on the day or the time that those  
3 snapshots were taken.

4 Q. Well, do you -- do you have an  
5 understanding as to whether the deficiencies were  
6 related to, you know, one specific day every  
7 month or every three months or whether they were  
8 more longstanding deficiencies?

9 A. Some were certainly more challenging  
10 than others, but I will tell you that we did meet  
11 staffing requirements during those time frames as  
12 well. And there were times where we didn't meet  
13 it, either because of turnover, because of other  
14 challenges when it came to ensuring we had those  
15 staff on board at the time the snapshots were  
16 taken.

17 Q. And those were challenges that --  
18 that you were directly involved in trying to  
19 overcome, right?

20 A. Along with the operations team, I was  
21 directly involved, as well as those working for  
22 me.

23 Q. And the challenges in staffing that  
24 you had at the BOP facilities were at -- at the  
25 top of your list in terms of dealing with

1 staffing challenges more broadly at the company,  
2 right?

3 A. They were among many states that  
4 experienced the same challenges, five of which  
5 I've mentioned earlier in my testimony today.

6 Q. So is it -- I mean, is it fair to say  
7 that they were at the top of the list or they  
8 were just one of many challenges you were dealing  
9 with?

10 A. They were one of many locations that  
11 were at the top of the list, including those  
12 other five states I mentioned.

13 Q. None of that changes your opinion,  
14 though, about CCA's compliance with its  
15 contractual requirements to the BOP with respect  
16 to staffing?

17 A. It does not change my opinion, nor  
18 the history.

19 Q. Do you know what the BOP's opinion  
20 was regarding CCA's compliance with its staffing  
21 requirements?


22 A. I know the BOP was as concerned as we  
23 were that when they took the snapshots in time,  
24 we did not meet the contractual requirements.  
25 But I also believe that the Bureau of Prisons

## 1 CERTIFICATE OF NOTARY

2 I, MISTY KLAPPER, the officer before  
3 whom the foregoing deposition was taken, do  
4 hereby certify that the witness whose  
5 testimony appears in the foregoing  
6 deposition was duly sworn by me; that the  
7 testimony of said witness was taken by me in  
8 shorthand and thereafter reduced to  
9 typewriting by me; that said deposition is a  
10 true record of the testimony given by said  
11 witness; that I am neither counsel for,  
12 related to, nor employed by any of the  
13 parties to the action in which this  
14 deposition was taken; and, further, that I  
15 am not a relative or employee of any  
16 attorney or counsel employed by the parties  
17 hereto, nor financially or otherwise  
18 interested in the outcome of this action.

19 Further, that if the foregoing pertains to  
20 the original transcript of a deposition in a federal  
21 case, before completion of the proceedings, review  
22 of the transcript [ X ] was [ ] was not requested.

23 Dated: November 6, 2020

24   
Misty Klapper, RMR, CRR  
25 and Notary Public